



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

BRIGGS and TATUM)

Serial No. 09/982,232)

Filed: October 19, 2001)

For: **LKTA DELETION MUTANT OF P. HAEMOLYTICA**

Group Art Unit: 1645

Examiner: Graser, J.

Atty. Dkt. No. 000295.00008

RECEIVED

APR 03 2002

TECH CENTER 1600/2900

#4
JM
4/12/02

RESPONSE

Assistant Director for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Action mailed March 5, 2002. We believe no fee is due to make this response timely filed. If a fee is due, please charge our Deposit Account No. 19-0733.

Remarks

Claims 1-9 are pending. Each of claims 1-9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims of two copending applications:

- claims 22-29 and 33-39 of copending application Serial No. 09/736,169; and
- claims 22-30, 31, and 33-41 of copending application Serial No. 09/280,852.

The two provisional obviousness-type double patenting rejections are the only two rejections in this application. In a case where the only rejection in an application is a provisional obviousness-type double patenting rejection, the M.P.E.P. states that: